

### **REMARKS/ARGUMENTS**

Claims 1-6, 8, 10-14, 16-22, and 25-39 remain in the application for further prosecution. Claims 1, 8, 10, 14, 16, 19, 21, 22, and 25 have been amended. Claims 7, 9, 15, 23 and 24 have been cancelled.

#### **Independent Claims 1, 8, 14, and 19**

Independent claims 1, 8, 14, and 19 have all been amended to include various dependent claims. Specifically, independent claim 1 was amended to include the limitations of claim 7; independent claim 8 was amended to include the limitations of dependent claim 9, independent claim 14 was amended to include the limitations of claim 15; and independent claim 19 was amended to include the limitations of claims 23 and 24. Each of these dependent claims were rejected as being obvious over the combination of U.S. 2004/0248651 (Gagner) and at least one of: U.S. Patent No. 6,203,429 (Demar et al); U.S. Patent No. 6,210,275 (Olsen); and U.S. Patent No. 6,089,976 (Schneider et al). It should be noted that the Applicants do not acquiesced to the merits of the original 35 U.S.C. §102 rejections, but would rather move the case to a condition for allowance.

As against original claims 1, 8, 14, and 19, Gagner is being applied as a 35 U.S.C. § 102(e) reference. However, these claims have been amended herein to include the subject matter of dependent claims that were rejected under 35 U.S.C. § 103(a), with Gagner, a § 102(e) reference, being the main reference. Under 35 U.S.C. § 103(c)(1), "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." The subject matter of Gagner was, at the time the present invention was made, owned by or subject to an obligation of assignment to WMS Gaming Inc. (see, e.g., the assignment executed June 30, 2003, in the present application and assignment executed June 3, 2006 in Gagner, both of which are attached as Exs. A and B).

Accordingly, the 35 U.S.C. § 103(a) rejection of claims 1-26 is improper and this rejection should be withdrawn.

**Claims 27-39**

Independent claims 27 and 32 were rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Gagner and Olsen. As stated above, Gagner is not a proper reference for an obviousness rejection. Therefore, the 35 U.S.C. § 103(a) rejection of claims 27-39 is improper and should also be withdrawn.

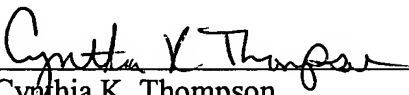
**Conclusion**

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

Date: June 8, 2006

  
Cynthia K. Thompson  
Reg. No. 48,655  
Jenkins & Gilchrist PC  
225 West Washington Street  
Suite 2600  
Chicago, Illinois 60606-3418  
(312) 425-3900  
Attorney for Applicants